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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,883	10/19/2001	John Haughey	13791	7341

293 7590 05/29/2007  
Ralph A. Dowell of DOWELL & DOWELL P.C.  
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Alexandria, VA 22314

EXAMINER
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BULLOCK JR, LEWIS ALEXANDER

ART UNIT	PAPER NUMBER
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2195

MAIL DATE	DELIVERY MODE
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05/29/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/981,883	HAUGHEY, JOHN	
	Examiner	Art Unit	
	Lewis A. Bullock, Jr.	2195	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on March 5, 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6,11,13-20,22,41 and 42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6,11,13-18 and 41 is/are allowed.
- 6) ☒ Claim(s) 19,20,22 and 42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 October 2001 and 22 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. Claims 19 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Independent claim 6 established that the expiry condition of the execution timer is a pre-determined percentage of completeness of the selected task. Claims 19 and 20 destroy this operation by stating that the execution condition is 1) a pre-determined number of clock cycles or 2) a pre-determined period of time. The examiner cannot determine how to interpret the limitations of claims 19 and 20. Do they supercede the condition being a pre-determined percentage of completeness, which would therefore make the condition a pre-determined number of clock cycles or period of time or in conjunction to such? If the limitations are to be interpreted as in conjunction to the completeness of a task, where in the specification is such supported? The examiner is unable to find any support for the limitation that the expiry condition is both a pre-determined percentage of completeness **and** one of the other cited conditions as set forth in claims 19 and 20. It appears that claims 19 and 20 should be cancelled.

### ***Claim Objections***

2. Claim 21 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper

dependent form, or rewrite the claim(s) in independent form. The cited claim appears to have been cancelled and added to independent claim 6 as indicated in the after final amendment filed November 1, 2006. However, the claims have the status indicator of **(currently amended) with no claim language**. The examiner has the claim as cancelled, however further clarification is requested.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 22 and 42 are rejected under 35 U.S.C. 102(a) as being anticipated by LABIAGA (U.S. Patent 6,185,615).

As to claims 22 and 42, LABIAGA teaches a method of executing a set of incomplete tasks (pending transactions in a pending transaction table), comprising: removing an existing incomplete task (pending transaction) from the set when a newer non-identical version or informationally-different version of the existing incomplete task is added to the set (via determining whether a matching transaction exist in the transaction table, and if so then a read / write transaction log entry is generated in the transaction log based on the entry and the matching entry is removed from the pending transaction table) (col. 10, lines 6-32); executing the remainder of the set of incomplete tasks (via execution the transactions log processing on the entries in the pending

Art Unit: 2195

transaction table) (col. 7, lines 36-60); wherein the removing is effected without completing the existing incomplete task (via indicating that the transaction is deemed effectively complete when a matching entry is found and then adding an entry of a new transaction and removing the matching entry) (col. 10, lines 7-32).

***Allowable Subject Matter***

5. Claims 6, 11, 13-18 and 41 are allowed.

***Conclusion***

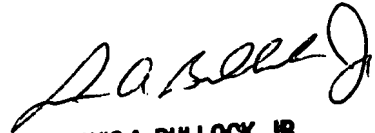
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis A. Bullock, Jr. whose telephone number is (571) 272-3759. The examiner can normally be reached on Monday-Friday, 8:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2195

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

May 21, 2007

  
LEWIS A. BULLOCK, JR.  
PRIMARY EXAMINER